

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

AZMI ATTIA, MARK BARR, and KEVIN  
CONROY, and all other individuals similarly  
situated,

Plaintiffs,

vs.

EXXON MOBIL CORPORATION,  
SUZANNE McCARRON, MALCOLM  
FARRANT, BETH CASTEEL, DANIEL  
LYONS, and LEN FOX,

Defendants.

Case No.: 4:16-cv-03484

Hon. Keith P. Ellison

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' THIRD NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs Azmi Attia, Mark Barr, and Kevin Conroy respectfully submit their response to Defendants' January 18, 2018 third notice of supplemental authority in support of their motion to dismiss the amended class action complaint (Dkt. No. 45 (the "Third Notice").)

Defendants have written yet another 1,000 words in support of their motion, this time to tell the Court about two recently decided cases that do not bear on the specific factual allegations made in this case and this case alone, and that, therefore, should have no impact whatsoever on this Court's consideration of Defendants' motion to dismiss. The contemporaneous facts knowable to Defendants during the Class Period in this case are unique and should have impelled action. As stated in Plaintiffs' opposition brief:

Defendants knew that the price of oil had been dragging for several years. They knew that the risks posed by climate change— notwithstanding their employer's disingenuous and hypocritical attempts to sew public confusion on the issue—were driving up the price of carbon. At the end of 2015, they watched as BP and Chevron announced write-downs. *That* was an opportune time for

them to act. Not because of what might happen to the price of oil in the future, but because of what had happened in the recent past, and what was happening in the present.

(Dkt. No. 38 at 13 (emphasis in original).)

Nothing in either decision proffered by Defendants grapples with remotely similar factual allegations. Denial of Defendants' motion remains the only appropriate outcome under *Fifth Third Bancorp v. Dudenhoeffer*, 134 S. Ct. 2459 (2014).

DATED: January 19, 2018

By: /s/ Samuel E. Bonderoff

Samuel E. Bonderoff (admitted *pro hac vice*)  
**ZAMANSKY LLC**  
50 Broadway, 32nd Floor  
New York, NY 10004  
Telephone: (212) 742-1414  
Facsimile: (212) 742-1177  
*samuel@zamansky.com*

*Attorney-in-Charge for Plaintiffs and  
the Proposed Class*

Jacob H. Zamansky (*pro hac vice*)  
Edward H. Glenn, Jr. (*pro hac vice*)  
Justin Sauerwald (*pro hac vice*)  
**ZAMANSKY LLC**  
50 Broadway, 32nd Floor  
New York, NY 10004  
Telephone: (212) 742-1414  
Facsimilie: (212) 742-1177

*Interim Lead Counsel for Plaintiffs  
and the Proposed Class*

J. Hampton Skelton  
Southern District Bar. No. 852  
**SKELTON & WOODY**  
248 Addie Roy Road, Suite B-302  
Austin, TX 78746  
Telephone: (512) 651-7000  
Facsimile: (512) 651-7001  
*hskelton@skeltonwoody.com*

*Interim Lead Counsel for Plaintiffs  
and the Proposed Class*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Plaintiffs' Response to Defendants' Third Notice of Supplemental Authority has been served by electronic CM/ECF filing, on this 19th day of January, 2018.

/s/ Samuel E. Bonderoff  
Samuel E. Bonderoff